

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 967, FOOD AND DRUGS ACT.

MISBRANDING AND ALLEGED ADULTERATION OF VINEGAR.

On or about December 6, 1909, the Leroux Cider and Vinegar Company, Toledo, Ohio, shipped from the State of Ohio into the State of Indiana 51 barrels of a product labeled: "The Leroux Cider and Vinegar Company. Fermented apple cider vinegar. Red Star Brand, Toledo, O." "The purity of these goods guaranteed. The Leroux Cider and Vinegar Company, Toledo, Ohio, December 1, 1909." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist wholly or in part of a mixture of dilute acetic acid and a product high in reducing sugars mixed and colored in imitation of cider vinegar. As it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Indiana.

In due course a libel was filed in the District Court of the United States for said district against the said 51 barrels of vinegar, charging the above shipment and alleging that the product so shipped was adulterated in that there had been mixed with the product dilute acetic acid and a substance high in reducing sugars, so as to reduce and lower its quality. The information also alleged that the product was misbranded because it was labeled as above set forth, which label contained the false and misleading statement that the product was a cider vinegar, when in truth and in fact it was an imitation thereof, said label being such as to mislead and deceive the purchaser, and praying seizure, condemnation, and forfeiture of the product.

On October 14, 1910, the above mentioned Leroux Cider and Vinegar Company appeared and filed its claim to the ownership of the product and its answer admitting the allegations of the libel. On the same day the cause came on for hearing on the above libel and answer, and the court being fully informed in the premises issued its decree finding the product to be misbranded as alleged in the above libel, and condemning and forfeiting the same to the use of the United States, with a proviso, however, that the product should be released to the said claimant upon the payment by it of the costs of these proceedings and the execution and delivery of a good and sufficient bond conditioned that said product should not be sold or otherwise disposed of contrary to law.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 17, 1911.*

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